

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION, OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
☐ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A SELF-BORING AND SELF-TAPPING SCREW FOR OSTEOSYNTHESIS AND
COMPRESSION**

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) is attached hereto.
- (b) ☒ was filed on July 7, 2003 as Serial No. 10/614,496; or
☐ was filed on [date], under Express Mail No. _____, as Serial No. not yet known,
and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) was described and claimed in PCT International Application No. _____; filed on
_____ and as amended Under PCT Article 19 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

- ☒ which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56; (also check the following items, if desired)
- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent; and
- ☒ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed
- (e) ☒ such applications have been filed as follows

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119

Country (or Indicate if PCT)	Application Number	Date of Filing (day/month/year)	Priority Claimed Under Section 37 USC 119
France	02/08589	5 July 2002	X YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

1. _____
2. _____
3. _____

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **George M. Thomas, Reg. No. 22,260; James W. Kayden, Reg. No. 31,532; Scott A. Horstemeyer, Reg. No. 34,183; Stephen R. Risley, Reg. No. 35,659; Jeffrey R. Kuester, Reg. No. 34,367; Daniel R. McClure, Reg. No. 38,962; Daniel J. Santos, Reg. No. 40,158; Dan R. Gresham, Reg. No. 41,805; J. Scott Culpepper, Reg. No. 41,692; Michael J. Tempel, Reg. No. 41,344; David R. Risley, Reg. No. 39,345; David L. Berdan, Reg. No. 41,614; Jon E. Holland, Reg. No. 41,077; Ann I. Dennen, Reg. No. 44,651; M. Paul Qualey, Reg. No. 43,024; Robert P. Biddle, Reg. No. 35,826; Jennifer M. Gruber, Reg. No. 42,601; Peter A. Nieves, Reg. No. 48,173; William F. Heinze, Reg. No. 36,161; Raymond W. Armentrout, Reg. No. 45,866; Robert A. Blaha, Reg. No. 43,502; Cynthia J. Lee, Reg. No. 46,033; N. Andrew Crain, Reg. No. 45,442; Robert B. Dulaney III, Reg. No. 47,539; Christopher B. Linder, Ph.D., Reg. No. 47,751; Adam E. Crall, Reg. No. 46,646; Edwina T. Washington, Reg. No. 43,187; Scott M. Lohnes, Reg. No. 45,451; Sami O. Malas, Reg. No. 44,893; David Rodack, Reg. No. 47,034; Troy VanAacken, Reg. No. P50,847; Charles W. Griggers, Reg. No. 47,283; Robert E. Stachler II, Reg. No. 36,934; David P. Kelley, Reg. No. 17,420; Eric M. Ringer, Reg. No. 47,028; and Charles E. Thorpe, Jr., Reg. No. 48,782; Glenn W. Brown, Reg. No. 51,310.**

(check the following item, if applicable)

- ☒ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

**James W. Kayden
THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339-5948

(770) 933-9500

DECLARATION

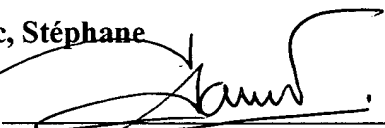
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

FOURCAULT, Eric, Stéphane

Inventor's signature: 

Date: September 26th 2003

Country of Citizenship France

Residence: 8 cours d'Herbouville, 69004 Lyon, France

Office Address: _____

Full name of second inventor

KNEVELS, Theo, Jan, Maria

Inventor's signature: _____

Date: September 23th 2003

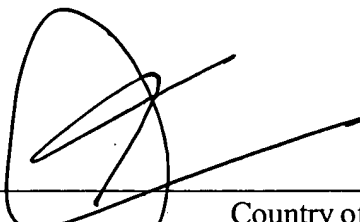
Country of Citizenship Belgium

Residence: Vilvoordsesteenweg 426, 1850 Grimbergen, Belgium

Office Address: _____

Full name of third inventor

GIET, Jean-Christophe, Alain

Inventor's signature: 

Date: September 26th 2003

Country of Citizenship France

Residence: 1 bis boulevard des Belges, 69006 Lyon, France

Office Address: _____

Full name of fourth inventor

GAUNEAU, Bertrand, Xavier, François

Inventor's signature: _____

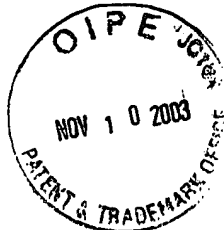


Date: September 26th, 2003

Country of Citizenship France

Residence: 177 cours Lafayette, 69006 Lyon, France

Office Address: _____



PATENT

Attorney's Docket No. 80350-1100

Applicant or Patentee: Fourcault et al..

Serial or Patent No.: 10/614,496

Filed/Issued: July 7, 2003

For: A Self-boring and Self-Tapping Screw for Osteosynthesis and Compression

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. §1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐
☒

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the
concerned identified below:

NAME OF CONCERN: NEWDEAL S.A.

ADDRESS OF CONCERN: Parc d'Activites Garigliano, 31 rue de la Convention, 38200 Vienne,
France

I hereby declare that the above-identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. §121, and in 37 C.F.R. §1.27(a)(2), for purposes of paying reduced fees in the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay period of the fiscal year, and (2) concerns are affiliates to each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

☐
☒
☐

the specification filed herewith, with title as listed above.

the application identified above.

the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization have rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as a person under 37 C.F.R. §1.27(a)(1), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) or a nonprofit organization under 37 C.F.R. §1.27(3).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention as to their status as small entities (37 CFR 1.27).*

Each such person, concern, or organization having any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
☐ Each such person, concern or organization is listed below.

NAME: _____

ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: _____

ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

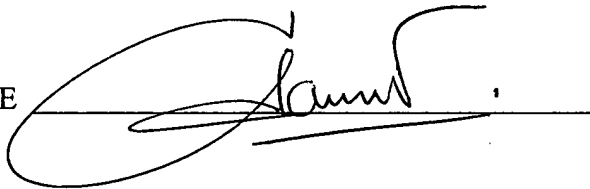
I acknowledge the duty to file, in this application or patent, notification of any changes in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

Note: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under §10.18(b) of this chapter. Violations of §10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under §10.18(c) of this chapter. Any practitioner violating §10.18(b) may also be subject to disciplinary action see §§ 10.18(d) and 10.23(c)(15)" 37 C.F.R. §1.4(d)(2).

NAME OF PERSON SIGNING: FOREMANT ERIC

TITLE OF PERSON OTHER THAN OWNER: C.E.O

SIGNATURE



Date

September 26th 2003